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Attorneys for Plaintiff
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL NERI, a/k/a "Chorro",

Defendant.

CASE NO. 1:23-CR-00115-NODJ-BAM

STIPULATION CONTINUING CHANGE OF PLEA
HEARING; FINDINGS AND ORDER

DATE: February 10, 2025

TIME: 1:00 p.m.

COURT: Hon. Barbara A. McAuliffe

STIPULATION

1. By previous order, this matter was set for a change of plea hearing on February 10, 2025.
2. By this stipulation, defendants now move to continue the change of plea hearing until February 12, 2025, and to exclude time between February 10, 2025, and February 12, 2025, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes thousands of pages of investigative reports, photographs, several large cell phone extractions, video evidence (including body-worn camera), thousands of pages of social media content, and hundreds of hours of recorded, intercepted communications. All this discovery has been either produced directly to counsel and/or made available for inspection and copying. Supplemental discovery has also been produced on multiple occasions.

b) Counsel for defendant desire additional time to conduct independent investigation and prepare for the change of plea hearing.

c) Counsel for defendant believes that failure to grant the above-requested continuance would deny them the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

d) The government does not object to the continuance.

e) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of February 10, 2025 to February 12, 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) [Local Code T4] because the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by this section and it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial..

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 6, 2025

PHILLIP A. TALBERT
United States Attorney

/s/ ANTONIO J. PATACA
ANTONIO J. PATACA
Assistant United States Attorney

1 Dated: April 11, 2024

/s/ DANIEL L. HARRALSON

DANIEL L. HARRALSON

Counsel for Defendant

Michael Neri

8 **ORDER**

9 IT IS SO ORDERED that the Change of Plea hearing previously scheduled for February 10,
10 2025, be continued to **February 12, 2025, at 9:30 a.m. in Courtroom 4 before the District Court**
11 **Judge.** Time is excluded pursuant to 18 U.S.C. § 3161(h)(1)(G).

12 IT IS SO ORDERED.

13
14 Dated: **February 6, 2025**

/s/ *Barbara A. McAuliffe*

UNITED STATES MAGISTRATE JUDGE